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1 Q. Pardon me?
2 A. She said if they come in there she will pour hot
3 water on them.
4 Q. Crisis Services, she threatened them?
5 A. Yes.
6 Q. They called the police, and the police calmed her
7 down?
8 A. Yeah, and she went to the hospital.
9 Q. How did she get to the hospital?
10 A. In the police car.
11 Q. Did they restrain her?
12 A. No.
13 Q. Did you go with her in the police car?
14 A. Yes.
15 Q. Anybody else go along with you?
16 A. No, just me, Crisis Services met us up there.
17 Q. How did you get back home; Crisis Services take
18 you?
19 A. Yeah.
20 Q. K[REDACTED] stayed in the hospital, right?
21 A. Right.
22 Q. Why did you go to Millcreek Community Hospital?
23 A. That's where they had it at the time.
24 Q. Had what?
25 A. For children for mental health.

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1 Q. Did Crisis Services tell you that?
2 A. No, I knew that.
3 Q. Does that service rotate among the hospitals; is
4 that how it works?
5 A. No. They used to have it at Hamot and at St.
6 Vincent, but then, I don't know why they stopped but they
7 stopped and only Millcreek did it.
8 Q. As I understand it K[REDACTED] was in the hospital
9 for about a week?
10 A. Yeah -- yes.
11 Q. My notes say that she went in -- she went to the
12 emergency room on a Friday evening; is that right,
13 January 4th?
14 A. Yes.
15 Q. And she was admitted as an inpatient early in the
16 morning on Saturday the 5th; does that make sense to you?
17 A. Yes.
18 Q. She got out about a week later on the 11th --
19 A. Yes.
20 Q. Which would be the following Friday, right, so she
21 was in about a week?
22 A. Yes.
23 Q. Did you visit her while she was in there?
24 A. Yes.
25 Q. How bad was the burn, first, second or third

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1 degree, if you know the difference?
2 A. I don't think it had a degree. It was just, you
3 know, red and then it just scabbed over. I don't remember.
4 Q. Was it blistered?
5 A. No. It just scabbed over like the first layer.
6 Q. When she was in the hospital, is that when she
7 told you about the sexual assault?
8 A. Yes.
9 Q. Now that we have gone through this and kind of
10 talked about it a bit, let's talk about the day. Can you
11 tell me when during her hospital stay she told you about the
12 sexual assault?
13 A. I think it was like the third day, I think.
14 Q. Third day she was there?
15 A. Yeah.
16 Q. What did she tell you?
17 A. She told me that B[REDACTED] hit her with a visor. And
18 I said, why did she hit you with a visor? And she said,
19 because C[REDACTED] made me -- do you want me to say it?
20 Q. Go ahead.
21 A. C[REDACTED] made me suck his dick, and he peed in my
22 mouth.
23 Q. I didn't want to get into any details with
24 K[REDACTED] I think for obvious reasons. I would like to not
25 be as gentle with you, you can handle it.

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1 A. She also told me he kneed her three times in her
2 privates.
3 Q. How did this come about? Were you asking her, for
4 example, why she burned herself?
5 A. No. She was just sitting there. We were playing
6 a game, and she started to cry. And I asked her what was
7 wrong, and then she had said it, and my sister was with me.
8 Q. What is your sister's name?
9 A. Darlene Griffin.
10 Q. Did she tell you when it happened?
11 A. She said it happened after Thanksgiving vacation.
12 Q. After or before?
13 A. After.
14 Q. Today she said before.
15 A. I remember it was after because it was
16 Thanksgiving vacation, and we had turkey and everything, and
17 it was the day after Thanksgiving vacation is when her five
18 days at P.A.S.S. started and that was after Thanksgiving
19 because I went to school before that, and that was for
20 skipping class.
21 Q. The P.A.S.S.?
22 A. Yes.
23 Q. Did K[REDACTED] tell you in the hospital it was after
24 Thanksgiving?
25 A. Yes. It was the first day when she went back to

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1 school.
2 Q. That's what she told you?
3 A. (Witness moved head up and down.) Yes.
4 Q. So if we look at that calendar, if you go to
5 November, Thanksgiving was on the 22nd; do you see that?
6 And the 23rd is a holiday, then we have the weekend on the
7 24th and 25th, and then the 26th is a holiday. So the first
8 day back at school would be the 27th; is that right?
9 A. Yes.
10 Q. But she didn't tell you the -- if I understand
11 this correctly, you correct me if I'm wrong, she didn't tell
12 you it happened on November 27th, she said --
13 A. She said the day after.
14 Q. -- the first day after I came back from
15 Thanksgiving, that's the way she expressed it?
16 A. Right. I just put that at the 27th because that
17 was the day after.
18 Q. Did you ask her why she didn't tell you before the
19 time she told you in the hospital?
20 A. Yeah, she said she was scared.
21 Q. Scared of who or what?
22 A. She didn't say, she just said she was scared. And
23 she mentioned another time where -- 'cuz I asked her first
24 why she skipped class, and she said because C B
25 said he was going to make me suck his dick. He was going to

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1 throw me in the bathroom and make me suck his dick.
2 Q. Skip P.A.S.S. or skip class?
3 A. Class, I'm sorry. So she had said she hid. That
4 was before Thanksgiving vacation because I believe I talked
5 to Mrs. Cappabianca. I'm looking at this --
6 Q. You're looking at Exhibit B?
7 A. In November the day before Thanksgiving vacation
8 she said that she has five days of P.A.S.S. when she comes
9 back from vacation.
10 Q. Did Mrs. Cappabianca -- Miss Cappabianca call you
11 on the --
12 A. I was in the office, and she talked to me in the
13 office on the phone.
14 Q. You were in Miss Cappabianca's office?
15 A. No. I was in the office, the big office
16 downstairs.
17 Q. At Strong Vincent?
18 A. Yes.
19 Q. Linda Cappabianca was where, in her office
20 upstairs?
21 A. I guess so, because I talked to her on the phone.
22 She said she would talk to me after the vacation, and then
23 her P.A.S.S. would start.
24 Q. P.A.S.S. was because she skipped class?
25 A. Yes.

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1 Q. And she told -- K told you she skipped
2 class because of this threat by B
3 A. Right.
4 Q. Did K tell you whether she told Miss
5 Cappabianca about -- am I getting confused?
6 MR. OLDS: Just for clarification of the record,
7 if you could ask when K told her about
8 C B threat. I don't know if the record
9 is clear it was before Thanksgiving or when in
10 this hospital. I wouldn't interrupt other than
11 that.
12 MR. MARNEN: That's fine.
13 Q. When did K tell you about C B
14 threat?
15 A. It was after when she was in the hospital, after
16 it had already happened.
17 Q. So you first learned about the sexual assault by
18 B on K when she was in the hospital, right?
19 A. Exactly.
20 Q. You also first heard about the threat B made
21 that caused K to go on P.A.S.S., you first heard
22 about that threat when she was in the hospital?
23 A. Exactly.
24 Q. The hospitalization we are talking about is the
25 one in early January?

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1 A. Yes.
2 Q. Of '02?
3 A. Yes.
4 Q. You had a conversation with Linda Cappabianca on
5 the 21st of November when you were making a visit to Strong
6 Vincent during which Cappabianca told you that K was
7 going to go on P.A.S.S. after the Thanksgiving holiday?
8 A. Right.
9 Q. And she was going to go on P.A.S.S. because she
10 skipped class?
11 A. Yes.
12 Q. You didn't know at that time that K skipped
13 class because B had threatened her?
14 A. No.
15 Q. I am not sure that's a clear answer in the context
16 of my question. You didn't know at that time -- and it's my
17 fault, when we both speak negatives it becomes unclear. You
18 didn't know on November 21st that B had threatened
19 K
20 A. No, I did not.
21 Q. Did you ask K around November 21st, why did
22 you skip class?
23 A. Yes.
24 Q. What did K tell you?
25 A. She said I didn't want to go to class.

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1 Q. She didn't tell you why?
 2 A. No.
 3 Q. You let it go at that?
 4 A. Well, I talked to Mrs. Cappabianca and I figured
 5 maybe K█████ would talk to her, you know, because she is
 6 the one that deals with it, and she said she didn't tell
 7 her.
 8 Q. Did K█████ ever tell you prior to the
 9 hospitalization in January of 2002 that anybody at Strong
 10 Vincent was verbally or physically bothering her?
 11 A. Yes. She said that B█████ was saying mean things
 12 to her, and she said mean -- she said she said mean things
 13 to my sister too.
 14 Q. And do I understand you correctly that K█████
 15 told you this at some time before she was hospitalized at
 16 Millcreek in January of '02?
 17 A. Pardon?
 18 Q. What I am trying to find out is whether at any
 19 time before K█████ went in the hospital in Millcreek did
 20 she tell -- did K█████ tell you that Becky Campbell was
 21 bothering her?
 22 A. Yes.
 23 Q. She did?
 24 A. Yes.
 25 Q. Can you give me some idea when K█████ told you

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1 this?
 2 A. It started shortly after she started school.
 3 Q. Is that when K█████ told you about it?
 4 A. Yeah, that she started -- she didn't say she
 5 started calling her those kinds of names at first, at first
 6 it was retard and like stupid, stuff like that.
 7 Q. And it became what?
 8 A. And then overtime then it came into like slut,
 9 whore, she mentioned bitch.
 10 Q. Christina told you this before Thanksgiving?
 11 A. Yes.
 12 Q. And with what frequency did K█████ tell you
 13 this, that C█████ was calling her these names? Was it
 14 every day, every week, once a week, once a month, give me
 15 some sense of that?
 16 A. Pretty much all the time when she'd come home.
 17 She goes, she's always saying these means things to me all
 18 the time. I don't like it. I go, well, you need to go tell
 19 Mrs. Cappabianca. And she said, I did talk to
 20 Mrs. Cappabianca.
 21 Q. What does Mrs. Cappabianca do? Did she tell you
 22 that?
 23 A. No. I talked to her a few times.
 24 Q. You talked to Cappabianca?
 25 A. Yeah. I went into her office upstairs a couple

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1 times, and she said that K█████ was getting lost -- this
 2 was in the beginning when she first started -- that she was
 3 getting lost and not knowing where her classes were. And
 4 she said that she would keep me informed, that she just
 5 takes her to class or whatever. Then I didn't get anymore
 6 calls as far as her going to see her and everything, but she
 7 said that she went to see her all the time about it. And
 8 after I confronted her the last time, after K█████ told me
 9 what happened --
 10 MR. OLDS: When you say her, who are you talking
 11 about?
 12 A. Mrs. Cappabianca. I went into the office, she was
 13 in the office with -- I can't remember who it was, it was a
 14 tall, black gentleman, bald head. And I had informed her
 15 what K█████ told me and she said she is aware of the
 16 situation, she is dealing with it.
 17 Q. What was the date of that meeting? You want to
 18 look at the calendar, it might help you.
 19 A. It was that Monday.
 20 Q. Can you give me a number?
 21 A. On the 7th.
 22 Q. January 7th, 2002, right?
 23 A. Right.
 24 Q. So if I understand you correctly, several times --
 25 I think your words were a couple times before Thanksgiving

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1 you talked with Linda Cappabianca about B█████ C█████
 2 bothering her?
 3 A. Yes.
 4 Q. And those several conversations, were they
 5 in-person?
 6 A. Yes. And then she told me sometimes you have to
 7 overlook things because kids are going to be kids.
 8 Q. Before Thanksgiving did K█████ tell you that
 9 anyone besides B█████ C█████ was bothering her?
 10 A. She mentioned C█████ B█████ was poking her and
 11 stuff.
 12 Q. Anything else?
 13 A. At that point she didn't tell me anything.
 14 Q. Did you mention to Cappabianca that B█████ was
 15 poking K█████?
 16 A. Yeah, a couple times.
 17 Q. What did she say to that?
 18 A. She said that he is getting punished.
 19 Q. For poking K█████?
 20 A. Right. Then I asked her, is there a way you can,
 21 you know, move her out of his class and put her in a
 22 different class.
 23 Q. What did she say?
 24 A. She said, well, the schedule is set.
 25 Q. Did Linda Cappabianca give you any idea what was

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1 being done to punish Ch[REDACTED] B[REDACTED], if anything?
2 A. No.
3 Q. She didn't?
4 A. No.
5 Q. Did she tell you that B[REDACTED] C[REDACTED] was being
6 disciplined for her conduct toward K[REDACTED]
7 A. She didn't tell me to what she was doing.
8 Q. She said she was disciplining her?
9 A. Um-hmm.
10 Q. What effect, if any, was this, as far as you could
11 tell, was this conduct by B[REDACTED] C[REDACTED] and C[REDACTED] B[REDACTED]
12 having on K[REDACTED] before Thanksgiving?
13 A. Now?
14 Q. No. Before Thanksgiving, was it having any
15 effect on her, was she moody, depressed, was she not
16 sleeping, anything of that nature?
17 A. Just a few times she said she didn't want to go to
18 school.
19 Q. Did she tell you why?
20 A. She said she was tired of being picked on.
21 Q. By whom?
22 A. By C[REDACTED] and B[REDACTED]
23 Q. Was she ever picked on by anyone else besides
24 C[REDACTED] and B[REDACTED] as far as you knew?
25 A. She never mentioned anybody else.

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1 Q. Can you give my some idea of how often you visited
2 Strong Vincent while K[REDACTED] was a student there?
3 A. I was in there a number of times. I might as well
4 have lived there.
5 Q. Did she go there the first day of school to Strong
6 Vincent?
7 A. No.
8 Q. She said something about -- she said the paperwork
9 was late?
10 A. Right. She started -- if I look on here -- she
11 started then, I want to say the third week of September, it
12 was a while.
13 Q. When she left, did she ever go back to Strong
14 Vincent after she got out of Millcreek Community Hospital?
15 A. No.
16 Q. Was she in school the day she was taken to
17 Millcreek?
18 A. Yes, I believe so.
19 Q. So then the last day she was in Strong Vincent
20 that would be January 4th; is that about right? I believe
21 that is right, the day she was admitted?
22 A. It's back here.
23 Q. January 4th is a Friday, '02.
24 A. Yeah -- yes.
25 Q. Between the third week in September and January

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1 4th, 2002 how often were you at the school seeing somebody?
2 A. Sometimes twice a week, sometimes three times a
3 week. I was there a lot for my other daughter.
4 Q. K[REDACTED]
5 A. Yes.
6 Q. What was the issue with K[REDACTED]
7 A. Pretty much she would have like outbursts and
8 stuff. I would have to come in and calm her down. Also,
9 when kids would pick on her it affected her more, and then
10 it would take a long time to calm her down, so then I would
11 be there to -- and I have heard B[REDACTED] call her a retard.
12 Q. So is it fair to say that most of your visits
13 between the third week in September and January 4th, 2002,
14 most of your visits to Strong Vincent related to K[REDACTED] and
15 not to K[REDACTED] I don't want to get this wrong, if I am,
16 tell me.
17 A. Mainly for K[REDACTED] when it started was in, I
18 believe in October.
19 Q. The problems?
20 A. Yeah. When I started going there for her, as far
21 as people picking on her. Usually if it wasn't for her, it
22 was for my other one. Most of the time it was Becky, most
23 of the time.
24 Q. Becky picking on K[REDACTED]
25 A. K[REDACTED] and K[REDACTED] both.

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1 Q. And K[REDACTED] Every time you went did you always
2 talk with Linda Cappabianca?
3 A. Yeah. I didn't -- I rarely talked to Mrs. Woods.
4 She was always busy, they would always send me to her.
5 Q. Every time -- you talked with Linda Cappabianca,
6 every visit?
7 A. I talked to her and at one point I talked to
8 another woman, I don't know who she was.
9 Q. Did you ever talk to any of the teachers?
10 A. I talked to Mrs. Manus. I actually talked to all
11 the teachers when we had the parent teacher conference. I
12 remember talking to Mrs. Scully, but that wasn't like
13 through the time, it was like when they was doing K[REDACTED]
14 academics for Sarah Reed. And she said she was sorry for
15 what K[REDACTED] had gone through.
16 Q. Who said this?
17 A. Miss Scully.
18 Q. There was a parent teacher conference in the fall
19 of 2001?
20 A. I believe.
21 Q. One conference?
22 A. Yes.
23 Q. You talked with all the teachers at that time?
24 A. Yes.
25 Q. Did you ever talk to any teachers on any of the

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1 other visits when you came in to bring to their attention
 2 the fact that K[REDACTED] was being picked on?
 3 A. No. It was mostly Miss Cappabianca.
 4 Q. The person you dealt with was Cappabianca?
 5 A. Right.
 6 Q. When you saw Miss Cappabianca, you saw her in her
 7 office?
 8 A. Yes, sometimes. Sometimes she would come down to
 9 the main office.
 10 Q. Her office was on the second floor?
 11 A. Right.
 12 Q. On the east end? Are you any good with compass
 13 directions?
 14 A. No.
 15 Q. As you face the school, as you're looking towards
 16 the front of the school standing in the middle of West 8th
 17 Street, her office would be to the right?
 18 A. All I remember was going up and going this way.
 19 Q. To the right, that would be east. The school
 20 faces to the south?
 21 A. I don't know.
 22 Q. Women don't know things like that. All right.
 23 A. I am not good with directions. I get lost
 24 everywhere I go.
 25 Q. Between the third week of October and

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1 Thanksgiving, I guess that's about five weeks, you were
 2 visiting Strong Vincent, Linda Cappabianca, a couple times a
 3 week concerning K[REDACTED] and K[REDACTED] about harassment, verbal
 4 harassment, by B[REDACTED] C[REDACTED]
 5 A. Right.
 6 Q. Is that a fair statement?
 7 A. Right.
 8 Q. What about after Thanksgiving?
 9 A. Um, after Thanksgiving things seemed to escalate,
 10 and that's when K[REDACTED] became more depressed. She would
 11 stare. She didn't want to go to sleep. And if her and her
 12 sister got into fights at home, and if I had to restrain
 13 her, then she started flipping out like really bad.
 14 Q. Were you making visits to Strong Vincent between
 15 the time that they came back from Thanksgiving break up
 16 until the time of the Christmas break?
 17 A. Yes.
 18 Q. Were you seeing Linda Cappabianca during those
 19 visits?
 20 A. Yes.
 21 Q. Were those visits also one or two times per week?
 22 A. Usually.
 23 Q. Did they relate to both K[REDACTED] and K[REDACTED]
 24 A. Not all the time.
 25 Q. Did they always relate to K[REDACTED]

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1 A. Yes.
 2 Q. Did they always -- were you always telling Linda
 3 Cappabianca that I'm here -- basically I'm here because
 4 B[REDACTED] C[REDACTED] is picking on my daughter K[REDACTED]?
 5 A. Yes.
 6 Q. And what was Cappabianca saying to you?
 7 A. Basically she said sometimes, you know, kids are
 8 going to be kids. You can't always discipline them for
 9 everything because some of it is normal. And I said saying
 10 things like that to a child is not normal.
 11 Q. Did you tell her what effect you thought that was
 12 having on K[REDACTED]
 13 A. Yeah. I told her she's not sleeping at night.
 14 She cries a lot. And I said if it's effecting my daughter
 15 then, you know, it is more than just kids being kids.
 16 Q. Did you ever ask to see Miss Woods after
 17 Thanksgiving and before Christmas break?
 18 A. I asked to see her a couple times and they said
 19 she was in meetings.
 20 Q. Did you ever see Miss Woods before K[REDACTED] was
 21 hospitalized?
 22 A. No. She was always in her office with other
 23 people.
 24 Q. So all your contact concerning the harassment by
 25 Campbell with respect to K[REDACTED] was with Linda

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1 Cappabianca?
 2 A. Exactly.
 3 Q. It was not with Woods and it was not with the
 4 teachers?
 5 A. Right.
 6 Q. Were you dissatisfied -- during that period of
 7 time before your daughter went in the hospital were you
 8 dissatisfied with what you were hearing from Linda
 9 Cappabianca?
 10 A. Yes. I thought she could do more, that's why I
 11 went down to the office. And they said that Mrs. Woods is
 12 in a meeting that, you know, Mrs. Cappabianca is the one
 13 that deals with these girls and these kids and you have to
 14 talk to her.
 15 Q. Was that on one occasion that you tried to see
 16 Miss Woods?
 17 A. No, a couple different times.
 18 Q. That's during visits to the school?
 19 A. Exactly. Then I just gave up.
 20 Q. I'm sorry?
 21 A. Then I just gave up.
 22 Q. You gave up?
 23 A. I gave up trying to talk to her.
 24 Q. When did you give up?
 25 A. After I went a couple times.

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1 Q. When was that, December, November, if you
2 remember?
3 A. I believe it was once in November -- once in
4 November, then I tried again in December.
5 Q. So you gave up sometime in December before
6 Christmas break?
7 A. Right.
8 Q. Did you ever try and call Janet Woods on the
9 telephone?
10 A. No.
11 Q. Did you ever write her a letter?
12 A. No.
13 Q. I am not suggesting you should have, I am just
14 trying to find out what you did. Did you ever try to get in
15 touch with anybody, aside from people at Strong Vincent,
16 about this harassment with C [REDACTED]
17 A. Pardon me?
18 Q. Did you ever try to talk with anybody besides
19 Cappabianca and Woods who worked for the school district
20 about C [REDACTED] harassing your daughter?
21 A. No.
22 Q. Never called the administration building or
23 anything like that?
24 A. No.
25 Q. You ever call the police about the harassment?

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1 A. No.
2 Q. Are you aware of any circumstance under which
3 anybody at Strong Vincent put K [REDACTED] in a room with
4 C [REDACTED] B [REDACTED] and/or B [REDACTED] C [REDACTED] or K [REDACTED] or A [REDACTED]
5 F [REDACTED] to talk about the problems between them?
6 A. She said that --
7 Q. Who is she?
8 A. K [REDACTED] said that Mrs. Pastore ordered her to
9 peer mediation with B [REDACTED] C [REDACTED]. I believe that one was
10 just for B [REDACTED] C [REDACTED], and she said C [REDACTED] B [REDACTED] came
11 into it somehow. I don't know how that came about.
12 Q. When did that take place, do you know?
13 A. I don't remember.
14 Q. When did K [REDACTED] tell you that?
15 A. It wasn't long after they started school.
16 Q. Long after what?
17 A. After they started school, so it might have even
18 been in October.
19 Q. Who is Mrs. Pastore?
20 A. That was her homeroom teacher.
21 Q. Was B [REDACTED] C [REDACTED] in K [REDACTED] homeroom?
22 A. I'm not sure.
23 Q. So Mrs. Pastore, K [REDACTED] homeroom teacher,
24 early on, maybe as early as October of 2001, required
25 K [REDACTED] to engage in peer mediation with B [REDACTED] C [REDACTED]

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1 A. Yes.
2 Q. How did the mediation work, was someone else there
3 besides those two?
4 A. Well, K [REDACTED] said it was just -- it was her,
5 B [REDACTED] and C [REDACTED] in the room.
6 Q. Nobody else, not a teacher, not another student?
7 A. She didn't say nobody else was there, just them.
8 She said they had to talk out what their problems were.
9 Q. How did that go, K [REDACTED] tell you?
10 A. K [REDACTED] said that it didn't work because he's
11 still picking on me and that she is scared of them.
12 Q. Are you telling me them, scared of them?
13 A. Yes.
14 Q. Both C [REDACTED] B [REDACTED] and B [REDACTED] C [REDACTED]
15 A. Yes.
16 Q. Did you ever spend any time at school with
17 K [REDACTED] accompanying her to classes and that sort of thing?
18 A. No.
19 Q. Was that permitted; do you know?
20 A. I don't think so. I think the only people that
21 can do that is TSS workers.
22 Q. TSF?
23 A. TSS, therapeutic staff support.
24 Q. I have heard that term, you may be right about
25 that. You said that on January 7, 2002 you went to Strong

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1 Vincent after K [REDACTED] told you about the sexual assault and
2 you confronted Linda Cappabianca?
3 A. Right.
4 Q. She was in the office with a tall, black guy and
5 you spoke with Cappabianca about the incident, right?
6 A. Right.
7 Q. Did the tall, black guy stay there?
8 A. Yes.
9 Q. What is his name; do you know?
10 A. No.
11 Q. Chris Rule? Do you have any idea if it was Chris
12 Rule?
13 A. No, because he's white.
14 Q. You know who Chris Rule is?
15 A. Yes, he was at the meeting at the hospital.
16 Q. What meeting at the hospital?
17 A. The discharge meeting.
18 Q. The discharge meeting meaning discharged from the
19 hospital?
20 A. Right.
21 Q. Who invited him?
22 A. I'm not sure. She had people involved with her, I
23 think she had mobile therapy at the time, I believe, and OCY
24 was there too. Maybe one of them invited him to come or the
25 doctor, I'm not sure.

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1 Q. Who was at the meeting?
 2 A. Chris Rule, me, of course K [REDACTED] Dr. --
 3 Q. Borzon?
 4 A. Yeah. I think that was it.
 5 Q. B-O-R-C-Z-O-N?
 6 A. B-O-R-Z-O-N, I think.
 7 Q. Anybody else?
 8 A. Stephanie Provoka (phonetic).
 9 Q. How do you spell that, any idea?
 10 A. I have no idea.
 11 Q. What did Stephanie Provoka do?
 12 A. She is from OCY. Office of Children and Youth,
 13 and Sara French.
 14 Q. Who is Sara French?
 15 A. That was her mobile therapist.
 16 Q. Mobile therapist?
 17 A. Yeah.
 18 Q. What is a mobile therapist?
 19 A. It is like a therapist that comes to your house.
 20 Q. Had Sara French seen K [REDACTED] before she was
 21 hospitalized or was her mobile therapy delivered after she
 22 got out of the hospital?
 23 A. I can't remember. I think it was before, shortly
 24 before.
 25 Q. Anybody else at that meeting? Chris Rule, Denise

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1 L [REDACTED] K [REDACTED] L [REDACTED] Dr. Borzon, Stephanie Provoka, Sara
 2 French?
 3 A. There was a nurse there too, I don't know who that
 4 was, though.
 5 Q. At that meeting Chris Rule said what?
 6 A. That K [REDACTED] is going to be moved from Strong
 7 Vincent for her safety.
 8 Q. Did you ask him what he meant?
 9 A. Yeah. And he said that -- he said, let me clarify
 10 that. And he said that the other kids are picking on her
 11 and due to the incident that K [REDACTED] had mentioned. He
 12 said that the school needed time for it to blow over.
 13 Q. Did you ask Chris Rule what, if anything, was
 14 going to happen to the other kids involved in the incident?
 15 A. I asked him. I said, well, what is going to
 16 happen to the boy, and he said he is not sure what is going
 17 to happen.
 18 Q. Did you know at that time that by the time of that
 19 discharge meeting that R [REDACTED] P [REDACTED] had also been involved
 20 in the incident?
 21 A. No, I didn't find out until later.
 22 Q. You knew that C [REDACTED] B [REDACTED] was involved?
 23 A. Yes.
 24 Q. Because K [REDACTED] told you?
 25 A. Yes.

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1 Q. Did she also tell you that C [REDACTED] was involved?
 2 A. Yes.
 3 Q. How about A [REDACTED] K [REDACTED] did you know A [REDACTED]
 4 K [REDACTED] was there that day?
 5 A. K [REDACTED] didn't tell me, but I heard later that he
 6 was.
 7 Q. How about A [REDACTED] F [REDACTED], were you told by
 8 K [REDACTED] that he was there?
 9 A. No. And this is the first time I heard that he
 10 was picking on her too.
 11 Q. What was the first time, in the hospital you mean?
 12 A. No, right today.
 13 Q. Today, oh. Today at the deposition was the first
 14 time you heard about A [REDACTED] F [REDACTED] picking on K [REDACTED]
 15 A. That he was picking on K [REDACTED]
 16 Q. Your information before this deposition was that
 17 B [REDACTED] C [REDACTED] and C [REDACTED] B [REDACTED] were picking on K [REDACTED]
 18 nobody else?
 19 A. Right.
 20 Q. Your information before today that the only sexual
 21 assailant with respect to K [REDACTED] was C [REDACTED] B [REDACTED]
 22 A. Right.
 23 Q. I guess, I mean the person who had her perform sex
 24 on him, right?
 25 A. Yes.

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1 Q. A [REDACTED] K [REDACTED] had nothing to do with K [REDACTED];
 2 is that right?
 3 A. Right.
 4 Q. Is it your understanding it was one time?
 5 A. Right.
 6 Q. One sex act?
 7 A. Yes. And she did see him after that happened,
 8 because I remember she said she didn't in the deposition
 9 today. She seen him at court.
 10 Q. She saw C [REDACTED] B [REDACTED] at court?
 11 A. When we went to court, and then he laughed at her.
 12 Q. You were here for K [REDACTED] testimony and she
 13 said, if I understood her correctly, I think I got this
 14 right, and if I got it wrong tell me. You picked her up the
 15 evening she was sexually assaulted by C [REDACTED] B [REDACTED]
 16 A. Right.
 17 Q. Is that an accurate statement by her?
 18 A. Yeah. When I found her, she was hiding over
 19 across the street by the school. There was a sign there.
 20 Q. She was hiding on the block that the school was
 21 located on?
 22 A. Yeah. And I --
 23 Q. Where was she hiding?
 24 A. Over -- there was a sign there and --
 25 Q. A sign in front of the school?

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1 A. Not in front, it is on the side, there's a parking
2 lot.
3 Q. It is the side on the laundromat side?
4 A. Yes. There was a bunch of kids around, I know
5 that, and I was just looking amongst the kids to see if I
6 can see her because she wasn't in front of the school. And
7 I know like up a little bit there was a bunch of girls
8 standing there, and then I saw K [REDACTED] and then she got in
9 the car and we went home.
10 Q. Do you agree with me that the front door of Strong
11 Vincent is on West 8th Street?
12 A. Yes.
13 Q. And then on both sides of Strong Vincent there are
14 streets?
15 A. Right.
16 Q. And then on the backside of Strong Vincent is the,
17 I guess you would call it a football field, right?
18 A. Right.
19 Q. That's down in kind of a little valley there,
20 right?
21 A. Yes.
22 Q. The laundromat is across the street from Strong
23 Vincent; do you degree with that?
24 A. Yes.
25 Q. The kids you saw, were they on the laundromat side

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1 of the street or the school side of the street when you saw
2 them?
3 A. There was some on the laundromat side, and then
4 some down on the other side by the school on Washington.
5 Q. K [REDACTED] was on the -- you know the name of the
6 street, Washington?
7 A. Right.
8 Q. I forgot that was K [REDACTED] that didn't know that.
9 The laundromat is on one side of Washington, and Strong
10 Vincent is on the other side, right?
11 A. Right.
12 Q. Some of the kids were at the laundromat on the
13 laundromat side of Washington and some were on the school
14 side?
15 A. Yes.
16 Q. They were closer to the football field?
17 A. Yes.
18 Q. K [REDACTED] was behind a sign that was on the school
19 grounds?
20 A. Yes.
21 Q. Is that a sign that said Strong Vincent or
22 something or something else?
23 A. I don't know.
24 Q. Don't know. How do you know she was, what, hiding
25 behind the sign?

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1 A. I saw somebody. I didn't see K [REDACTED] amongst the
2 girls so I drove down a little bit to see, and it was her.
3 And I told her to get in the car. She got in the car and
4 she was crying. And I thought she was just crying because
5 she wasn't where I told her to be, and I would be mad
6 because she wasn't in front of the school but --
7 Q. Did you ask her why she was crying?
8 A. Yeah. She said I just want to go home, I'm tired.
9 Q. You didn't pursue it any further?
10 A. Well, she was crying, I figured that she would
11 talk to me later, you know. If somebody was bothering her
12 or whatever, she would tell me later.
13 Q. It was dark out when you picked her up that night?
14 A. Yes.
15 Q. I think you told me that you went to see Linda
16 Cappabianca after K [REDACTED] told you about the incident?
17 A. Right.
18 Q. I think my notes say you went to see Linda
19 Cappabianca on January 7th?
20 A. Right.
21 Q. That is the Monday following K [REDACTED] admission
22 to the hospital?
23 A. Right.
24 Q. So K [REDACTED] obviously told you about the incident
25 over the weekend?

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1 A. Right.
2 Q. Did you ask -- you did tell me earlier, didn't
3 you, that you asked K [REDACTED] why she didn't tell you before
4 and she said because she was scared, right?
5 A. Right.
6 Q. Did she explain to you what she was afraid of?
7 A. Yeah. I asked her, why were you scared to tell
8 me, and she goes, because they will beat me up.
9 Q. So you left Millcreek Community Hospital, you
10 drove to Strong Vincent, and you saw Linda Cappabianca on
11 the 7th, right?
12 A. Right.
13 Q. You used the word confront. Can you explain what
14 you mean by that? Well, I just basically went in and, you
15 know, asked to speak to her and she came down to the office
16 and I was on this side of the counter thing, me and my
17 sister, and she was on the other side. She was here and the
18 black guy was here.
19 Q. You were with your sister?
20 A. Right.
21 Q. I forgot your sister's name.
22 A. Darlene Griffin. Then that's when I told her what
23 Kristina told me, and she said she was dealing with it.
24 Q. Well, what did you mean by the word confront?
25 Were you angry, for example?

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1 A. Yeah. I was angry because she should have told me
2 first. I mean, I told her, I said, you'll call me -- you
3 guys will call me if my daughter is like tugging on her ear
4 and she has an infection or something, but you won't call me
5 when my daughter is assaulted.

6 Q. Did Cappabianca tell you when she first became
7 aware of the incident?

8 A. No. Her basic words is, she's dealing with it
9 now. I forgot to put the now part in there.

10 (DEFENDANTS' EX. D - AMENDED COMPLAINT,
11 marked for identification.)

12 Q. I am going to mark the amended complaint as
13 Exhibit D. Mrs. L [REDACTED], have you seen this document before
14 today?

15 A. Yes.

16 Q. Would you go to Page 4 of that Exhibit D,
17 Paragraph 7. I'm going to read it out loud. Strong Vincent
18 tolerated a high level of offensive sexual conduct among its
19 students. Right?

20 A. Right.

21 Q. Do you agree with that statement?

22 A. Yes.

23 Q. Why do you agree with that statement?

24 A. Basically for what Mrs. Cappabianca told me, and
25 things that I saw even before this happened to my daughter.

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1 I would see people outside just grabbing each other and
2 everything. I mean, even in the hallways when I was in the
3 school you would see them, you know, like smack each other
4 on the butt. I call that offensive.

5 Q. Did you ask K [REDACTED] when she told you over that
6 weekend in the hospital, you remember we talked about she
7 said she didn't tell you because -- and you said the reason
8 she didn't tell you was she was afraid of -- I forget your
9 language, but it was something you were afraid the kids
10 would do something to her.

11 A. Right.

12 Q. What did you say, help me out here.

13 MR. OLDS: Beat-up.

14 A. Um-hmm.

15 Q. Did you ask K [REDACTED] whether she told Linda
16 Cappabianca or Janet Woods about the incident?

17 A. She said she told Mrs. Cappabianca what happened,
18 and she said that that is what people do when they are in
19 love.

20 MR. OLDS: Who is she?

21 A. Mrs. Cappabianca told her that's what people do
22 when they are in love.

23 Q. Did K [REDACTED] tell you this when she was still
24 hospitalized?

25 A. Yes.

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1 Q. So she said that she did report it to Linda

2 Cappabianca at some time prior to the time she told you
3 about it?

4 A. That's how I knew who to talk to.

5 Q. She said -- did she say when she reported it to
6 Linda Cappabianca?

7 A. She said the day after it happened.

8 Q. Did you say anything to K [REDACTED] like you told
9 Linda Cappabianca but you didn't tell me, why is that?

10 A. No, I didn't want to get into it too bad because
11 she was already hospitalized.

12 Q. Did she explain to you why she thought telling you
13 might lead to her getting beat-up?

14 A. Basically she knows my temper, but I calmed myself
15 before I went to the school because at first I wanted to
16 just go in there and rip the place a part, you know. But
17 then I went home and I calmed down, I had the whole weekend
18 to calm down.

19 Q. Didn't K [REDACTED] tell you she did not tell you
20 before the hospitalization about the assault because she was
21 afraid other kids would beat her up, not that you would beat
22 her up?

23 A. No, other kids would beat her up.

24 Q. Did she explain to you why she thought telling you
25 might lead to other kids beating her up, and telling Linda

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1 Cappabianca about it would not? Did she explain that to
2 you?

3 A. No, no.

4 Q. In any event she said she told Linda Cappabianca
5 the day after the assault happened?

6 A. Right.

7 Q. Linda Cappabianca's response was that is what
8 people do when people are in love?

9 A. Yes.

10 Q. Did she tell you whether she explained to Linda
11 Cappabianca she was forced to perform oral sex on C [REDACTED]

12 B [REDACTED]

13 A. Yes.

14 Q. And Cappabianca's response was that is what people
15 do when they are in love?

16 A. Yes.

17 Q. Did you discuss that conversation with Linda
18 Cappabianca on January 7th?

19 A. I mentioned it after I told her that K [REDACTED] told
20 me this, and then I said that that isn't what people do when
21 they are in love. Not when they are like forced to do
22 something like that.

23 Q. What, if anything, did Linda Cappabianca say to
24 that?

25 A. She just said that she is going to deal with it,

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1 that's basically all she kept saying.
 2 Q. Did K[REDACTED] ever discuss with you whether she had
 3 at any time any consensual sexual activity with C[REDACTED]
 4 B[REDACTED]
 5 A. Pardon me?
 6 Q. Did K[REDACTED] ever discuss with you whether at any
 7 time she had consensual sexual activity with C[REDACTED] B[REDACTED]
 8 A. She never mentioned having anything.
 9 Q. Did she say she never did?
 10 A. Well, she told me she never had any kind of sex
 11 before ever.
 12 Q. With anybody?
 13 A. With anybody.
 14 Q. That was her first sexual experience?
 15 A. Right.
 16 Q. Would you turn to Page 6, please, of the
 17 Complaint. Paragraph 12 it states, knowing that the assault
 18 had occurred vice principal Cappabianca and principal Janet
 19 Woods in turn victimized the plaintiffs by suggesting or
 20 insinuating that they were at fault for the sexual assault.
 21 Did K[REDACTED] tell you that?
 22 A. No. She just told me that's what Mrs. Cappabianca
 23 said.
 24 Q. Which was?
 25 A. That that's what people do when they are in love.

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1 She asked me at one time, is it my fault, and I told her no.
 2 Q. Go to Page 7, please, Paragraph 17. That's
 3 talking -- I don't want to read the whole thing unless you
 4 want me to -- that's talking about K[REDACTED] being bullied.
 5 It says that K[REDACTED] followed school instructions by
 6 reporting the harassment to assistant principal Linda L.
 7 Cappabianca as well as various teachers. Right? Who were
 8 the various teachers; do you know?
 9 A. She said she told Mrs. Scully, and she told
 10 Mrs. Manus. She didn't talk too much about Miss Gray.
 11 Q. K[REDACTED] was told to suck it up and ignore her
 12 harassers. Did K[REDACTED] tell you that?
 13 A. Yes.
 14 Q. Did she say who said that to her?
 15 A. Mrs. Cappabianca.
 16 Q. Did K[REDACTED] tell you before she was hospitalized
 17 that Cappabianca told her to suck it up?
 18 A. Well, not suck it up at that time. She said she
 19 told her to ignore them.
 20 Q. When did you first find out about the suck it up
 21 comment?
 22 A. After it happened.
 23 Q. Paragraph 18, I guess I am going to read. I am
 24 going to read the whole thing. K[REDACTED] continued to bring
 25 the increasingly frightening behavior to the attention of

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1 the teachers, administrators, but her complaints were
 2 routinely disregarded. For example, K[REDACTED] told the
 3 principal, Mrs. Woods, the assistant principal,
 4 Ms. Cappabianca, and a teacher, Miss Scully, that an older
 5 student, C[REDACTED] B[REDACTED], threatened to take her in the bathroom
 6 and force her to perform oral sex on him. When K[REDACTED]
 7 became increasingly emotional about the harassment, the
 8 response of the teachers and administrators was to criticize
 9 her for complaining. Did K[REDACTED] at some time tell you
 10 this, that B[REDACTED] had threatened to take her into a bathroom
 11 and force her to perform oral sex on him?
 12 A. Yes.
 13 Q. When did K[REDACTED] inform you of that?
 14 A. It was -- I know it was before the assault
 15 happened.
 16 Q. Before the assault happened K[REDACTED] told you that
 17 happened?
 18 A. That he said that.
 19 Q. That he said that. But when did K[REDACTED] tell you
 20 he said that? Let me try again. I'm trying to distinguish
 21 between B[REDACTED] telling her that and K[REDACTED] telling you that
 22 B[REDACTED] told her that. When did K[REDACTED] tell you B[REDACTED] said
 23 that to her?
 24 A. It was after the assault happened she told me.
 25 She told me she told Mrs. Cappabianca about it.

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1 Q. Did K[REDACTED] tell you about that incident after
 2 K[REDACTED] was in the hospital or before?
 3 A. Can you say that again?
 4 Q. Was K[REDACTED] in the hospital when she told you
 5 that C[REDACTED] B[REDACTED] had made this threat to her?
 6 A. No, it was after.
 7 Q. It was after she got out of the hospital?
 8 A. After she got out of the hospital.
 9 Q. Did you ask K[REDACTED] why she didn't tell you about
 10 that before?
 11 A. Yeah. She said that she is embarrassed, and
 12 that -- she said, I told Mrs. Cappabianca, because I asked
 13 if she told anybody and she said she told Mrs. Cappabianca.
 14 Q. And in this paragraph it says she told Ms. Scully
 15 too, right?
 16 A. Um-hmm.
 17 Q. Did she say what Scully and Cappabianca said to
 18 her when she told them about it?
 19 A. No. Well, she did say that they are not doing
 20 nothing.
 21 Q. Paragraph 20 --
 22 MR. OLDS: Jim, that's probably based on
 23 K[REDACTED] testimony that is probably inaccurate.
 24 K[REDACTED] testified today that she skipped.
 25 MR. MARNEN: Yes, that is what I was going to ask

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1 her about.

2 MR. OLDS: I think that when I was preparing for

3 the deposition K[REDACTED] said that she skipped

4 P.A.S.S. also, so that is inaccurate.

5 MR. MARNEN: So I can -- I'm not sure it's even

6 necessary to talk about it, let me think about it

7 for a second.

8 Q. Let's move on then. I did not want to talk to

9 K[REDACTED] about this, about exactly what happened with

10 C[REDACTED] B[REDACTED] but did K[REDACTED] tell you exactly what

11 happened?

12 A. Yes.

13 Q. Would you mind telling me exactly what happened?

14 A. She told me that first she saw that he was in

15 P.A.S.S. He was in the P.A.S.S. classroom actually, and

16 then she decided she wasn't going to go because he was in

17 there. And she went across the street to the laundromat.

18 And then she seen C[REDACTED] and she went to C[REDACTED]'s house, and

19 then went back to the laundromat. And then B[REDACTED] hit her

20 with her visor, and then he pulled her to the side of the

21 laundromat and she was back by the fence on the side. First

22 he kneed her three times on the thing, the air-conditioning

23 thing besides the laundromat. He pushed her back on that

24 and kneed her three times.

25 Q. Kneed her, you mean he hit her hard in the groin

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1 area with his knee?

2 A. Right, right. And then he pulled her into the

3 back by the fence, and she said that B[REDACTED] was holding her

4 hair, pulling her hair through the fence. And C[REDACTED]

5 pulled out his thing and made her suck his dick. And he

6 pushed her head down and then she said there was white

7 stuff, and then he peed in her mouth.

8 Q. Did she say how long all this took?

9 A. No, she said she didn't know.

10 Q. Go to Paragraph 23. It indicates that K[REDACTED]

11 told Linda Cappabianca and one of her teachers about the

12 attack the day after it happened. And Cappabianca responded

13 by telling her that K[REDACTED] should not have engaged in this

14 activity, it was something done by people in love, right?

15 A. Right.

16 Q. Did K[REDACTED] tell you that she told Linda

17 Cappabianca what you just described?

18 A. Yes.

19 Q. That is, that C[REDACTED] B[REDACTED] had kneed her three

20 times and B[REDACTED] C[REDACTED] grabbed her by her hair, and

21 C[REDACTED] B[REDACTED] forced her to perform oral sex on him, and he

22 ejaculated in her mouth?

23 A. Yes.

24 Q. She told all these things to Linda Cappabianca she

25 told you?

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1 A. Yes.

2 Q. This was Cappabianca's response?

3 A. Yes.

4 Q. After K[REDACTED] told you in the hospital about the

5 incident, I guess it was on the weekend or maybe on the

6 7th of January. You told me that K[REDACTED] went -- I'm

7 sorry. You told me on January 4th that K[REDACTED] went into

8 the hospital, January 7th you saw Cappabianca at Strong

9 Vincent.

10 A. Right.

11 Q. That's Friday and Monday, right?

12 A. Yes.

13 Q. Did you learn -- did K[REDACTED] tell you what she

14 had told you on January 7th? You may have told me this and

15 I forgot, I'm sorry.

16 A. What Mrs. Cappabianca said?

17 Q. No. Did K[REDACTED] tell you about the assault by

18 B[REDACTED] on January 7th?

19 A. No, it was before that.

20 Q. Sometime on the weekend?

21 A. Yes.

22 Q. Now, my question to you is: Did you call the

23 police?

24 A. No, I went straight to the school.

25 Q. You went to the school on Monday the 7th?

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1 A. Right.

2 Q. You learned about it over the weekend?

3 A. Right.

4 Q. Did you call the police over the weekend?

5 A. No.

6 Q. Why not?

7 A. I don't know.

8 Q. I am not suggesting you should have, I just want

9 to know why you didn't.

10 A. I don't know. All I know is she was safe, she was

11 at the hospital.

12 Q. You talked to Cappabianca on the 7th, right?

13 A. Right.

14 Q. What time of day was that; do you remember?

15 A. I can't remember.

16 Q. Morning or afternoon?

17 A. Might have been in the morning.

18 Q. Did you call the police on the 7th?

19 A. No, she said she did.

20 Q. By the time you talked to her she said she already

21 contacted the police?

22 A. Right.

23 Q. Do you know whether the tall, black guy was a

24 policeman?

25 A. I don't know.

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1 Q. Okay. So Chris Rule came to the hospital at the
2 time of discharge and told you and K [REDACTED] that K [REDACTED]
3 was going to be placed in Sarah Reed for her own safety,
4 right?
5 A. Right.
6 Q. What, if anything, did you say in response to
7 that?
8 A. I said, well, what is going to happen to the boys
9 that did this? If you are removing K [REDACTED] what is going
10 to happen to them?
11 Q. And he said he didn't know?
12 A. Right. And then that's when all the court
13 proceedings started.
14 Q. Court proceedings, you're talking about the
15 juvenile delinquency proceedings?
16 A. Right.
17 Q. K [REDACTED] was, in fact, placed in Sarah Reed,
18 correct?
19 A. Right.
20 Q. How did you feel about that?
21 A. I didn't think it was right to have to remove
22 them. They should have been able to handle the situation.
23 You know, if they got rid of the boys, they should have been
24 able to handle the rest of the school. Get things under
25 control --

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1 Q. Did you tell -- I'm sorry, I didn't mean to
2 interrupt you.
3 A. You know, so she would be able to stay in the
4 school where she could learn and excel.
5 Q. Did you tell anybody at the Erie School District
6 that thought right there?
7 A. I just said it at the meeting with Chris Rule.
8 Q. At the meeting in the hospital?
9 A. Right, because he is the one that wanted to put
10 her there.
11 Q. You think it was Chris Rule's idea?
12 A. Yes, that is what I was told.
13 Q. That's fine. Chris Rule told you that?
14 A. Yeah.
15 Q. K [REDACTED] was in special education, correct?
16 A. Right.
17 Q. And you would agree with me, won't you, that there
18 is a process that relates to changing placements of special
19 education kids? There's a process you have to go through?
20 A. Yeah, IEP.
21 Q. IEP, that's the process. There was a new IEP for
22 K [REDACTED] right?
23 A. Right.
24 Q. You were invited to that meeting, the IEP meeting?
25 A. It was done at my house.

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1 Q. Really? Okay.
2 A. Mr. Rogers did it, and he gave me a yellow copy.
3 Q. So you were there with Mr. Rogers, anybody else
4 there?
5 A. No.
6 Q. Did you sign anything that indicated you agreed
7 with the placement in Sarah Reed?
8 A. I had to sign a paper at Sarah Reed when I was at
9 Sarah Reed.
10 Q. Okay.
11 MR. MARNEN: I think I will get the exhibits you
12 marked last week, Ed. I will be right back.
13 Let's take five minutes.
14 (Brief recess.)
15 Q. I only have one copy. I will come over with you,
16 if you don't mind. Moore Deposition Exhibit 2 is an exhibit
17 that has a bunch of documents in it. Let me walk you
18 through it. There's a notice of the recommended educational
19 placement, that's the NOREP. Do you recognize that; did you
20 see that back then, if you know?
21 A. Yeah.
22 Q. There is the IEP revision review. There is a
23 request for home school visitor service, I guess that's not
24 necessarily a part of the IEP. On Page E744 there is a
25 statement that you appeared to have signed; do you remember

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1 signing that?
2 A. Yes. This was signed at Sarah Reed.
3 Q. That was signed at Sarah Reed. Was that after
4 K [REDACTED] was there?
5 A. No, that was at an intake.
6 Q. Intake, okay.
7 A. Said I have to write something for her to go
8 there.
9 Q. On Page E818 of that same exhibit the document is
10 entitled IEP revision review. Is that your signature on
11 there?
12 A. Yes.
13 Q. I forget the person you said you met at your home
14 with.
15 A. Mr. Rogers.
16 Q. Mr. Rogers. It doesn't appear that Rogers signed
17 that. You signed it, correct?
18 A. This one wasn't signed at my house.
19 Q. No, it wasn't? Where was it signed?
20 A. I don't remember. I remember signing, I think it
21 was this one here.
22 Q. That is the one with 3400 in the lower right
23 corner, that's the NOREP?
24 A. Yes. I remember this at my house.
25 Q. I don't see a signature on it.

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1 A. This is the only thing I remember.
2 Q. Did you sign on the second page?
3 A. No. This is all he brought to me, and then he
4 pulled the yellow pages off and gave me the yellow one and
5 he kept these ones, he kept the top pages.
6 MR. OLDS: Did she say she did not sign 818 at her
7 house, that would be the fifth page?
8 MR. MARNEN: What is the page?
9 MR. OLDS: The fifth page of that.
10 Q. 818, you said you did not sign that at your house?
11 A. No, not at my house.
12 Q. Do you remember where you signed it?
13 A. No.
14 Q. You just signed that very first document at your
15 house, that is what you remember?
16 A. Right.
17 Q. Is that your signature on 818?
18 A. Yes.
19 Q. There is your signature on E820, NOREP, E820 you
20 signed it, right?
21 A. Right.
22 Q. Looks like multiple copies of the same thing.
23 Okay. Is it your recollection that you went along with the
24 placement at Sarah Reed?
25 A. Right.

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1 Q. You did not object to it?
2 A. No.
3 Q. You did not object, correct?
4 A. No.
5 Q. That's not correct or you didn't object?
6 A. I didn't object.
7 Q. Okay. Now I want --
8 A. Wasn't much of a choice.
9 Q. That's what I want to ask you, why didn't you
10 object?
11 A. Because he said that she would be better off
12 there.
13 Q. Chris Rule said that?
14 A. Right, than in school.
15 Q. Did he explain to you why he thought that was the
16 case?
17 A. He said because the kids need time to forget about
18 it. And if she went back to school that there might be
19 further, you know, taunting about what happened, stuff like
20 that. It would be better to give them a break.
21 MR. OLDS: Just for clarification, when you said
22 the kids need time to forget about it, what kids
23 was he talking about?
24 THE WITNESS: The students at school.
25 Q. The students besides C [REDACTED] and B [REDACTED]

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1 A. Right.
2 MR. OLDS: R [REDACTED] and K [REDACTED] too, they were kids
3 too. I just didn't understand it.
4 A. He mentioned student body.
5 Q. Because there was some harassment going on at the
6 high school, right?
7 A. Right.
8 Q. That harassment was coming from people in addition
9 to C [REDACTED], B [REDACTED] and B [REDACTED] C [REDACTED]
10 A. Right.
11 Q. And you accepted Chris Rule's opinion on this, is
12 that what you are saying?
13 A. Yeah, he is professional so --
14 Q. That opinion was -- we are talking now about the
15 conversation at discharge day, right?
16 A. Right.
17 Q. As I remember your testimony earlier you said
18 Chris Rule did not know at the time of the discharge what
19 was going to happen with B [REDACTED] and C [REDACTED]
20 A. Right. He said there was a lot of police and
21 stuff coming into the school to talk to everybody, and it
22 would also be easier if they are not there.
23 Q. Did Chris Rule mention anything about Sarah Reed
24 being able to provide services that Strong Vincent could not
25 provide?

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1 A. No, that's all he said.
2 Q. All he said was get them out of there because we
3 need for it to cool down basically?
4 A. Yes.
5 Q. Did he say how long he thought the Sarah Reed
6 placement would last?
7 A. No.
8 Q. Did he say whether R [REDACTED] P [REDACTED] was going to be
9 the subject of a Sarah Reed placement also?
10 A. I don't recall.
11 Q. Did you know by the time that Chris Rule was in
12 there for the discharge meeting, did you know by that time
13 that Rachel had been a victim of a sexual assault also,
14 Rachel Polancy?
15 A. Yes, I think so.
16 Q. Did K [REDACTED] tell you that?
17 A. No, Chris Rule did.
18 Q. Chris Rule did?
19 A. Yeah.
20 Q. Did you know R [REDACTED] P [REDACTED] before that day?
21 A. Yes.
22 Q. How did you know her?
23 A. K [REDACTED] and her were friends.
24 Q. Did they ever come to your house to hang out or
25 whatever they call it?

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1 A. Yeah, and she went over there. I also went over
2 there and talked to her parents.
3 Q. You knew Richard P [REDACTED] and Shelly P [REDACTED] too?
4 A. Yes.
5 Q. Is that the only way you knew them was through the
6 girls?
7 A. Right.
8 Q. You didn't know them before --
9 A. No.
10 Q. -- K [REDACTED] went to Vincent that year, right?
11 A. No. I have a question.
12 Q. Okay.
13 A. When they are supposed to have like the five days
14 of -- I saw it in that thing where they had five days of
15 in-home schooling, are they supposed to work on the IEP; do
16 you know?
17 Q. I don't know. Thank you for reminding --
18 A. They are not supposed to sit there and color, are
19 they?
20 Q. The girls, you mean?
21 A. Yeah.
22 Q. I think when they are in their home schooling they
23 are supposed to be getting an education.
24 A. Because whenever she was getting home schooling at
25 home he just gave her a coloring book and crayons.

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1 Q. The home school teacher?
2 A. Yeah, and they just colored.
3 Q. I understand K [REDACTED] after she got out of
4 Millcreek Community Hospital never returned to Strong
5 Vincent.
6 A. No.
7 Q. She was instead placed in the home before she went
8 to Sarah Reed?
9 A. Right.
10 Q. Did K [REDACTED] finish the school year at Sarah Reed?
11 A. Yes.
12 Q. When did she leave Sarah Reed after that school
13 year, did she leave at the end of a regular school year or
14 did she also go there in the summer?
15 A. No. She didn't go there in the summer, then she
16 went to Wayne.
17 Q. So for 2002-2003, she went to Wayne Middle School?
18 A. Right.
19 Q. Why did she go to Wayne Middle School?
20 A. Because that was the school that was over there.
21 Q. Why didn't she go back to Strong Vincent?
22 A. She didn't want to go back there.
23 Q. Is that the reason she did not go back to Vincent?
24 A. Right. She didn't want to go. And then when she
25 went to Wayne there was problems there too.

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1 Q. What kind of problems?
2 A. Well, this boy said that she was hitting him in
3 the back of the head. Her friends were sitting all in the
4 same room and said it didn't happen. And the principal
5 wanted her to go to his office with him, and it would just
6 be him and her, and she didn't feel comfortable. She said
7 you can talk right here. He said you are going to go to my
8 office, and then he grabbed her to take her to his office
9 and then she pulled away. He grabbed her by her thighs
10 twice, and then dropped her on the ground. And then he
11 grabbed her wrist and took a piece of skin out of her wrist,
12 and I called the police.
13 Q. Were any charges filed?
14 A. No. He doesn't work there anymore.
15 Q. What is his name?
16 A. Mr. Cranking (phonetic).
17 Q. Cranking?
18 A. He doesn't work there no longer as a principal.
19 Q. Is that the only, I am going to call it
20 harassment, at Wayne?
21 A. Kids picked on her.
22 Q. Did they pick on her for any reasons related to
23 the sexual assault by C [REDACTED] B [REDACTED]
24 A. No, just basically --
25 Q. Basically picked on her?

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1 A. Picked on her, they hit her sometimes. One girl,
2 she is like 350 pounds, she would hit on her and she would
3 beat on her. She pushed her into the heater one time and
4 black and blued her arm up on the back.
5 Q. Has there been any verbal or physical harassment
6 or bothering of K [REDACTED] since she entered Wayne school up
7 to the present day that has been related by the harassers to
8 the sexual assault by C [REDACTED] B [REDACTED] Do you follow my
9 question, it was a long question?
10 A. No.
11 Q. What I am trying to find out is whether anybody
12 has bothered K [REDACTED] since she went back into school after
13 she left -- after she left Sarah Reed, whether anybody has
14 bothered her by accusing her of doing something wrong with
15 C [REDACTED] B [REDACTED] or calling her names that would suggest that
16 she is not a good girl, things of that nature?
17 A. Well, some people at East. She don't go there
18 yet, but that's where they want to put her. She don't go
19 there yet but my older daughter comes home and tells me.
20 Q. K [REDACTED]
21 A. They say stuff about K [REDACTED]
22 Q. About K [REDACTED] being, what, promiscuous?
23 A. They didn't say promiscuous. They said that she
24 performed oral sex on C [REDACTED]. I guess they were kids that
25 went to Strong Vincent that now go to East. At Sarah Reed

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1 she was at level four, and it goes up to four level and then
2 you are discharged. She got up to level four, and now she's
3 back down to level two. They asked her -- because we had a
4 meeting -- they asked her, well, why did you drop your
5 levels. And she goes, well, if I drop my levels, I don't
6 have to go back to regular school.
7 Q. When she entered Wayne School in the fall of 2002,
8 was she in eighth grade?
9 A. Yeah.
10 Q. She's in tenth grade right now?
11 A. Yes.
12 Q. Did she go to Wayne for the entire school year for
13 eighth grade?
14 A. No, she was at the Hermitage House.
15 Q. When did she go into the Hermitage House?
16 A. April.
17 Q. April of 2003?
18 A. Yes, I believe so.
19 Q. Why did she go to Hermitage House?
20 A. 'Cuz she was having problems. She wasn't going to
21 rape crisis and stuff, she didn't want to talk about what
22 was going on, and she was having a lot of problems from it.
23 Q. When she went to Sarah Reed in the summer of 2002,
24 did she live at home with you?
25 A. Yeah.

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1 Q. You drove her to Sarah Reed instead of driving her
2 to Strong Vincent, is that basically it, and she went
3 through a regular day of school and came home?
4 A. No. The lift picked her up.
5 Q. She slept with you and she stayed with you --
6 A. Right.
7 Q. -- and just went there during the day for classes?
8 A. Right.
9 Q. When she went to Wayne School, same thing, right?
10 A. I took her and picked her up.
11 Q. At some point she was placed in Hermitage House in
12 eighth grade?
13 A. Right.
14 Q. That's because she was having difficulty dealing
15 with what had happened to her?
16 A. Right.
17 Q. Where is Hermitage House located?
18 A. In Cambridge Springs.
19 Q. When she went to Hermitage House, did she live at
20 Hermitage House?
21 A. Yes.
22 Q. How long was she at Hermitage House?
23 A. I can't remember. I know it was until she got put
24 into Perseus.
25 Q. You sure it wasn't Andromada House?

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1 A. No. She was at Hermitage House before Andromada.
2 While she was at the Hermitage House then that's when the
3 Andromada House came out there and met with me and put her
4 out there at the Perseus House -- or at the Andromada House.
5 Q. I am really confused right now. I have some notes
6 here that I prepared, and I will go get the documents if you
7 want me to, but my notes say that January 21st, 2003, that
8 would be January of her eighth grade year, right? Andromada
9 House sent a letter to the Erie School District requesting
10 records on -- I'm sorry, that's R [REDACTED]. Never mind, my
11 mistake. I have something in my notes that says July 29th,
12 2003 K [REDACTED] was placed in Andromada House. Does that make
13 any sense to you?
14 A. What day?
15 Q. July 29th, 2003.
16 A. Yes.
17 Q. That's the summer after her eighth grade?
18 A. Yes.
19 Q. She goes to Andromeda after Hermitage?
20 A. Yeah. She went to Andromeda after that.
21 Q. My notes say she was retained at Edmund L. Thomas
22 Adolescent Center and then she was sent to Hermitage House,
23 you say she then went to Andromeda House?
24 A. Yes.
25 Q. Is that all right?

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1 A. Yes.
2 Q. Why did she go to the Edmund L. Thomas, let's start
3 with that. Let me interrupt you and ask a new question.
4 When did she go to Edmund L. Thomas?
5 A. I know before Hermitage House. I think it was her
6 probation officer put her there because she was not
7 complying with treatment because that was a condition of her
8 probation.
9 Q. What was she on probation for?
10 A. Stealing out of a car.
11 Q. What did she steal from a car?
12 A. A watch, breath mints and some change. They had
13 everything back but the breath mints. At least she didn't
14 have stinky breath.
15 Q. Whose car was it?
16 A. A teacher's car.
17 Q. A teacher at Wayne?
18 A. No. It's by East, it's on 7th Street, it's on the
19 corner.
20 Q. So she stole some stuff from a car, she got into
21 the juvenile system?
22 A. Um-hmm.
23 Q. She ended up on probation?
24 A. Yeah.
25 Q. Then she went from there to Hermitage House?

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1 A. Right.
2 Q. Is that part of -- was that because she stole out
3 of the car?
4 A. That's because she wasn't complying to the
5 conditions of probation.
6 Q. Hermitage House was the place where she lived?
7 A. Yes.
8 Q. Was that in Union City?
9 A. No, that was in Cambridge Springs.
10 Q. Where is Andromada House?
11 A. That's in Spartansburg, it's like off Union
12 City -- it's in between.
13 Q. So was she living at Hermitage House?
14 A. Yes.
15 Q. Did she live at Andromeda House too?
16 A. Yes.
17 Q. Why did she go from Hermitage to Andromeda?
18 A. Because Andromeda had like a therapy part to it.
19 Q. Emotional support?
20 A. Sort of like that, and then rape crisis came in
21 there and would talk to whoever needed to be talked to. She
22 got the stuff she needed.
23 Q. Was she going to school at those places too?
24 A. Yes.
25 Q. Both Andromeda and Hermitage?

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1 A. Yes. They had school right on the grounds.
2 Q. Okay. Can you give me an approximation of when
3 she was at Hermitage House and when she was at Andromada
4 House?
5 A. She went to Hermitage House in April.
6 Q. Of '03?
7 A. Yes. And she was there up until she was
8 transferred to the Andromada House.
9 Q. Which was when?
10 A. The end of July.
11 Q. How long was she at Andromada House, end of July
12 '03?
13 A. To June 4th of '04.
14 Q. Where has she been since June 4th of '04?
15 A. With me.
16 Q. Going to school?
17 A. At Sarah Reed.
18 Q. So June 4th to the present she has been at Sarah
19 Reed?
20 A. Right.
21 Q. But residing with you?
22 A. Right.
23 Q. Did she go to Sarah Reed over the summer or start
24 Sarah Reed in the fall?
25 A. She went there in the summer too.

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1 Q. Does that mean June, July, August?
2 A. Right.
3 Q. Was she taking classroom school work or was she
4 going there for some other reason in the summertime?
5 A. I'm not sure. They just wanted her in something
6 when she got discharged.
7 Q. Has she been all these places through the Erie
8 School District?
9 MR. OLDS: Some of these places were for
10 probation.
11 MR. MARNEN: Right, you did tell me that.
12 MR. OLDS: So it wasn't an educational --
13 Q. Hermitage House was a criminal justice system
14 placement, not a school placement?
15 A. Right.
16 Q. So was Andromada. When she got out of Andromada
17 and back to Sarah Reed, that was an educational placement.
18 Do I have that right?
19 A. Yes.
20 Q. I'm trying to rush here and moving too fast. Why
21 has she been at Sarah Reed since June of '04, at least from
22 your perspective?
23 A. She went for the summer program because she got
24 released from Perseus House they --
25 Q. I missed Perseus.

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1 A. Not Perseus, Andromada, I'm sorry. It's through
2 Perseus House, I get confused too. But when she went there
3 they wanted some sort of placement, something for her
4 constructive to do to kind of stay on path. So she went
5 there for the summer, and then she just followed into the
6 school year. She don't want to go back to regular school.
7 She has told me that a number of times.
8 Q. Did she tell you why?
9 A. She don't feel safe. I asked her why and she
10 said, I don't feel safe. If anybody does anything, they are
11 not going to do anything anyways.
12 Q. What is it about, if you know, what is it about
13 Sarah Reed that makes her feel safe?
14 A. Because, well, she had incidents there where
15 people were picking on her. And she went and told them and
16 they dealt with it right then and there, you know, they
17 didn't like wait. This is what is going to happen for you
18 doing this, it's like -- and she sees it happening.
19 Q. What, from your point of view, what has been the
20 status of her mental health since -- take it kind of
21 chronologically, if you don't mind, from the time she went
22 to Sarah Reed in January 2002 to the present time?
23 A. Well, basically anytime anyone put their hands on
24 her, female or male, she will flip out and just start
25 beating everybody, you know. And like if her and her sister

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1 are fighting and I have to break them up, like get one to
2 their room, if I have to restrain her she will fight me.
3 She knows it's me, but she'll fight because, you know, it's
4 just her being held, you know, against her will not wanting
5 to be. She had a couple restraints at that one place,
6 Hermitage House too.

7 Q. She was physically restrained?

8 A. (Witness moved head up and down.) I guess some
9 boy touched her, you know, I guess he touched her like on
10 her side and then she flipped out on him and then they
11 restrained her. Then she was on suicide provisions there
12 too.

13 Q. I want to ask you about something in the medical
14 records, I think I need to get them to do that.

15 (Brief recess.)

16 MR. MARNEN: I am not going to mark this unless
17 you want me to. These are records that were sent
18 to the Erie School District by Millcreek Community
19 Hospital relating to K[REDACTED] hospitalization
20 there in January of '02.

21 MR. OLDS: Okay. These would be the records of
22 the hospitalization?

23 MR. MARNEN: Right.

24 Q. In a history concerning that admission it says, I
25 am going to read it word for word, one sentence. She has a

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1 speeding.

2 Q. New York State?

3 A. Yeah. So I got a speeding ticket in New York on
4 the 18th, and that was my daughter's birthday.

5 MR. OLDS: Which daughter?

6 A. K[REDACTED] K[REDACTED] birthday, and I know it did not
7 happen that week because we were together that week, you
8 know. I know it did not happen around then.

9 Q. You may have told me this, and if you have, please
10 forgive me because it has been a while, we have been going
11 for a while here. You told us very clearly you were not
12 told by K[REDACTED] at the time it happened that it did happen,
13 you were not told until when she was in the hospital in
14 January that it happened, right?

15 A. Right.

16 Q. K[REDACTED] told you when it happened; isn't that
17 correct?

18 A. Right. Not the date, she said it happened after
19 Thanksgiving vacation.

20 Q. The day after they came back?

21 A. Right.

22 Q. That's where you get November 27th, right?

23 A. Right. And that's when she had the five days of
24 P.A.S.S.

25 Q. Okay. You, to some extent, corroborated that by

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1 past history of abuse by a former stepfather. Is that James
2 Long, is that the abuse you talked about that led to her
3 going to foster care?

4 A. Right.

5 Q. That's not sexual abuse, that's physical abuse by
6 not taking care of her correctly?

7 A. Right.

8 Q. Keeping her clean, things like that?

9 A. Right, right.

10 Q. Let me get my bearings here, I may be done.

11 (Brief pause.)

12 THE WITNESS: She let me know what the guy's name
13 was that was in the office, that was Mr. Wright.

14 MR. OLDS: He is the probation officer.

15 Q. Is that the school probation officer?

16 A. Yes, that's the black guy.

17 Q. What was his first name; do you know?

18 A. No.

19 Q. Have you seen the police report in the case?

20 A. No.

21 Q. Okay. There's an indication in the police report
22 that the incident occurred on December 19th, 2001 not
23 November 27th, 2001. Do you have any insight on that?

24 A. Okay. I remember it was not around that time
25 because I got a ticket on December 18th in New York for

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1 figuring out when she had P.A.S.S.?

2 A. Yes.

3 Q. How did you figure that out, based on what she
4 told you?

5 A. No, based on the conversation that I had in the
6 office with Mrs. Cappabianca on the phone.

7 Q. Do you have any idea why the police records carry
8 the event occurring on December 19th?

9 A. I don't know.

10 MR. MARNEN: I don't have any other questions.

11 Thanks a lot.

12 MR. OLDS: I think we will read.

13 (Examination concluded at 2:34 p.m.)

14 * * *

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SIGNATURE PAGE

I, Denise L [REDACTED] have read the foregoing transcript of my deposition, and affix my signature in approval of the correctness of my statement, except for corrections noted the amendment page.

Denise L [REDACTED]
Denise L [REDACTED]

Dated 4-22-05

Corrections noted on Amendment Pages

Yes ☒

No ☐

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| | PAGE | LINE | CORRECTION |
|----|------------|------|-----------------|
| 1 | | | AMENDMENT PAGE |
| 2 | Denise's 8 | 4 | Joylyn Richards |
| 3 | Denise's 8 | 8 | CRI |
| 4 | | | |
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A000000191

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RICHARD P., by and for)
Rachel P., and DENISE L., by)
and for K [REDACTED] L.,)
Plaintiffs) Civil Action
vs) No: 03-390 Erie
SCHOOL DISTRICT OF THE CITY OF)
ERIE, PENNSYLVANIA; JANET)
WOODS, Individually and in her)
Capacity as Principal of)
Strong Vincent High School;)
and LINDA L. CAPPABIANCA,)
Individually and in her)
Capacity as Assistant)
Principal of Strong Vincent)
High School,)
Defendants)

Deposition of K [REDACTED] L., taken before and
by Linda K. Rogers, Commissioner of Deeds in the
Commonwealth of Pennsylvania and Notary Public in
the State of New York, on Monday, March 21, 2005,
commencing at 10:30 a.m., at the law offices of
Knox McLaughlin Gornall & Sennett, PC, 120 West
10th Street, Erie, Pennsylvania 16501.

* * *

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1 For the Plaintiffs:

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3 1007 Mount Royal Boulevard
4 Pittsburgh, PA 15223
5

6 For the Defendants:

7 James T. Marnen, Esquire
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9 120 West 10th Street
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11
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1 K R I S T I N A L O N G, first having been duly
2 sworn, testified as follows.

3

4

DIRECT EXAMINATION

5

BY MR. MARNEN:

6

7

Q. Kristina, would you tell me what your whole name
8 is.

9

A. K [REDACTED] L [REDACTED] L [REDACTED]

10

Q. L-[REDACTED], is that it?

11

A. I don't know, ask my mom.

12

Q. Something like that. When were you born, do you
13 remember?

14

A. Yes, [REDACTED] 89.

15

Q. Where do you live right now?

16

A. [REDACTED]

17

Q. K [REDACTED], I am the attorney for the school

18

district. And I'm here today to ask you questions about

19

things that happened a couple years ago that are the subject

20

of a lawsuit that you and others have filed against the

21

school district and Miss Cappabianca and Mrs. Woods.

22

My purpose here today is simply to ask you

23

questions to find out what you know about various things.

24

I'm not here to trick you or to bully you or anything. If

25

you don't understand what I'm asking you or you don't hear

A000000194

1 me, please let me know, you have a right to understand the
2 question, and I will try again.

3 We ought to try and not talk at the same time
4 because the lady here to my left and your right is the court
5 reporter and she is going to take down everything we say.
6 It will be very difficult on her if we talk at the same
7 time.

8 Also, another rule we ought to follow here is that
9 when we communicate with each other we should both use
10 words, not sounds that could be misinterpreted by her, for
11 example, um-hmm, unh-unh. She may not be able to tell what
12 we mean. Say yes or no and things of that nature. If you
13 want to take a break at any time, we can do that. This is
14 not the Spanish Inquisition. With that in mind, why don't
15 we proceed. Okay, ready?

16 Are you in school right now, K[REDACTED]

17 A. Yes, Sarah Reed.

18 Q. Sarah Reed. What grade are you in?

19 A. I am in tenth.

20 Q. Tenth grade. When did you start going to Sarah
21 Reed this year? Do you remember?

22 A. I started in the summertime.

23 Q. Summer of last year, summer of 2004?

24 A. Yeah.

25 Q. When you started the summer of 2004, you started

A000000195

1 in the tenth grade right?

2 A. Yes.

3 Q. Were you in the ninth grade the prior year?

4 A. (Witness moved head side to side.)

5 Q. Yes?

6 A. Yes, sorry.

7 Q. What school were you at for the ninth grade?

8 A. For ninth grade I was at Andromeda.

9 Q. Andromeda House. Were you in this entire year of
10 ninth grade at Andromeda House.

11 A. No. I was with -- I can't remember.

12 Q. Take your time. We are in no rush here, don't
13 worry about it.

14 A. For -- I was there like nine months.

15 Q. Nine months?

16 A. About nine months.

17 Q. Where did you take eighth grade?

18 A. Eighth grade I took it at Wayne.

19 Q. Wayne Middle School in the City of Erie, right?

20 A. (Witness moved head up and down.)

21 Q. Yes?

22 A. Yes.

23 Q. Remember those words. Now, seventh grade I know
24 that part of the year you spent at Strong Vincent, correct?

25 A. Yes.

A000000196

1 Q. And as I understand it about halfway through that
2 year you went to Sarah Reed, correct?

3 A. Yes.

4 Q. Did you finish out the year in seventh grade at
5 Sarah Reed; did you finish the seventh grade year at Sarah
6 Reed?

7 A. I can't remember.

8 Q. Do you remember if you went to Sarah Reed during
9 the summertime after seventh grade?

10 A. I don't think I was there for the summertime.

11 Q. And then in eighth grade you went to Wayne?

12 A. Um-hmm.

13 Q. You were in Wayne the entire eighth grade?

14 A. I can't remember.

15 Q. Okay. Can you think of any other schools you have
16 gone to besides Sarah Reed, Andromeda House, Wayne and
17 Strong Vincent since seventh grade?

18 A. Elementary school I was at McKinley.

19 Q. That was before seventh grade, wasn't it?

20 A. Yes.

21 Q. I am talking about seventh grade, eighth, ninth
22 and tenth; is that it?

23 A. Yeah, pretty much.

24 Q. I am not suggesting there is another one. Before
25 you went to Strong Vincent in seventh grade it is my

A000000197

1 understanding you attended school in Meadville?

2 A. (Witness moved head up and down.) Yes.

3 Q. Were you in sixth grade in Meadville?

4 A. I think so.

5 Q. Think so. What about fifth grade, do you know
6 where you went to fifth grade?

7 A. (Witness moved head side to side.)

8 Q. No?

9 A. No.

10 Q. Too far back. Before you went to Strong Vincent
11 did you go to schools in Erie in some of the years?

12 A. Yes.

13 Q. One of those was McKinley, you just mentioned to
14 me.

15 A. Um-hmm.

16 Q. Can you think of some other schools?

17 A. Just McKinley.

18 Q. Were you in Meadville for one year then, do you
19 think?

20 A. Yeah, about a year.

21 Q. Do you remember the name of the school?

22 A. Neason Hill.

23 Q. Neason Hill, okay. When you entered Strong
24 Vincent in seventh grade, did you have a homeroom teacher?

25 A. Yeah, but I can't remember the name.

A000000198

1 Q. Was it a man or a woman?

2 A. I think it was a lady, but I can't remember that
3 far.

4 Q. If I tried a couple names on you, do you think you
5 might remember? Give it a try here, all right.

6 (DEFENDANTS' EX. A - SCHOOL RECORDS,
7 marked for identification)

8 Q. I have some of your school records here that I'm
9 going to put this blue sticker on, and it says defendants'
10 exhibits and I am going to write an A on there, that is the
11 first one.

12 I'll give one of those to your attorney, Mr. Olds,
13 and I will give the one with the blue sticker on it to you.
14 If you look on the very first page, Kristina, you will see
15 some names of teachers.

16 A. (Witness moved head up and down.)

17 Q. You see the word teacher right here?

18 A. (Witness moved head up and down.)

19 Q. Okay. The very first one is Manus; do you see
20 that?

21 A. Yes.

22 Q. I'm drawing a mental blank right now, I've
23 forgotten her first name. I will call her Mrs. Manus, which
24 is what you called her. Was she your homeroom teacher?

25 A. I don't know.

A000000199

1 Q. Then we have the next name is Gray, I think that
2 is Mrs. Gray; do you remember that name?

3 A. To be honest, I really can't remember who was my
4 homeroom teacher.

5 Q. Okay. Why don't you humor me, though, and we will
6 go through a couple names. Sometimes when you look at
7 things like this it's, oh yeah, I remember that. There is
8 also a name Scully; do you see that, Mrs. Scully? Do you
9 remember if she was your homeroom teacher?

10 A. (Witness moved head side to side.)

11 Q. No?

12 A. No.

13 Q. Then we have Vallimont, Donch and Johnson, do
14 those names ring a bell? Doesn't do anything for you?

15 A. (Witness moved head side to side.)

16 Q. Okay, that's fine.

17 MR. OLDS: There's another name on here, Pastori
18 or Pastore.

19 MR. MARNEN: Where do you see that?

20 Q. Oh, up in the right-hand corner there is a
21 Pastore. And it says under the name Pastore, adviser. Is
22 that a man or a woman; do you know? Do you remember that
23 name at all?

24 A. Unh-unh.

25 Q. To the left of that you will see another name,

A000000200

1 Bufalino. I know that's Mr. Bufalino; do you remember
2 Mr. Bufalino?

3 A. (Witness moved head side to side.)

4 Q. No. K [REDACTED] is indicating by shaking her head
5 no.

6 A. He worked in the office.

7 Q. He was a guidance counselor; do you remember him?

8 A. Not really but --

9 Q. Do you remember during seventh grade at Strong
10 Vincent being picked on by other kids?

11 A. Um-hmm.

12 Q. Yes?

13 A. Yes.

14 Q. Thank you. We will get it. Do you remember their
15 names?

16 A. B [REDACTED] C [REDACTED] is one of them. And C [REDACTED]

17 Q. Is that C [REDACTED] B [REDACTED]

18 A. Um-hmm -- yes. And there was this other person,
19 I can't remember the name.

20 Q. One more person?

21 A. I can't remember the name.

22 Q. Boy or a girl?

23 A. A boy, A [REDACTED]

24 Q. A [REDACTED] F [REDACTED]

25 A. I don't know, he was in my class with Mrs. Scully.

A000000201

1 Q. With Mrs. Scully?

2 A. Yes.

3 Q. I have heard the nickname [REDACTED] was that A [REDACTED]

4 A. Yes.

5 Q. Same person?

6 A. They called him Tony, they called him Tony.

7 Q. Oh, they called him Tony?

8 A. Um-hmm.

9 Q. C [REDACTED] B [REDACTED] and Tony, were they black kids?

10 A. B [REDACTED] was white and, yeah, he is black.

11 Q. So was C [REDACTED]

12 A. Yes.

13 Q. K [REDACTED], do you remember when the school year
14 started that year? I don't mean the exact day, but did it
15 start in August or September; do you remember?

16 A. Sometimes it would be in August.

17 Q. I have the -- I will represent to you this is the
18 school calendar for that year. And that might help a little
19 bit here. I will mark this Defendants' Exhibit B.

20 (DEFENDANTS' EX. B - CALENDAR

21 for identification.)

22 Q. Take a look at that and just look through it, if
23 you don't mind, and familiarize yourself with it. I don't
24 mean read every word, just get the lay of the land. Let me
25 ask you: Were you given a calendar when you went to Strong

A000000202

1 Vincent?

2 A. I really don't recognize it.

3 Q. Okay. If you look on the very first page it says
4 August 27th, first day for students. Do you see that? I'll
5 point it out to you. Right down here, right there
6 (indicating).

7 MR. MARNEN: Thanks, Mrs. L [REDACTED]

8 Q. Do you remember if that's about the time -- and I
9 am not trying to hold you to a specific date, just trying to
10 get handle on it here. Is that about the time you went to
11 school that year?

12 A. No. I went a little later because the school
13 papers didn't get there for a little bit of time.

14 Q. Okay.

15 A. So I didn't get there on the day it started.

16 Q. How long after the day it started, if you
17 remember?

18 A. I can't remember.

19 Q. More than a week?

20 A. Probably.

21 Q. Okay. More than two weeks?

22 A. Unh-unh.

23 Q. So somewhere between a week and two weeks?

24 A. Yeah.

25 Q. All right. Did you know B [REDACTED] C [REDACTED] or C [REDACTED]

A000000203

1 B [REDACTED] or A [REDACTED] before you went to Strong Vincent?

2 A. No.

3 Q. Have you ever seen them since you left Strong
4 Vincent?

5 A. No, I haven't.

6 Q. It is my understanding that B [REDACTED] C [REDACTED] and
7 C [REDACTED] B [REDACTED] were in eighth grade when you were in seventh
8 grade at Strong Vincent; is that right?

9 A. Yes.

10 Q. Was A [REDACTED] in eighth grade also or was he in
11 seventh grade?

12 A. I can't remember.

13 Q. How about A [REDACTED] K [REDACTED] do you remember him?

14 A. (Witness moved head side to side.)

15 Q. No. Does that mean -- please say no, you're
16 shaking your head.

17 A. No.

18 Q. Have you ever seen or as far as you know met
19 A [REDACTED] K [REDACTED] in your life?

20 A. No.

21 Q. Ever hear that name before?

22 A. I heard of it once, but --

23 Q. You're not sure where?

24 A. No.

25 Q. Do you remember how long after you got to school

A000000204

1 that year, seventh grade at Strong Vincent, that B [REDACTED]
2 C [REDACTED], C [REDACTED] B [REDACTED] and A [REDACTED] began to bother you?

3 A. I can't remember exactly when, but I was -- I was
4 just getting used to the school and that's when everything
5 started to happen. I don't remember exactly when.

6 Q. What kind of things did B [REDACTED] say or do to bother
7 you?

8 A. She would call me mean names.

9 Q. What kind of names?

10 A. She would call me like bitches and hoe and stuff.

11 Q. Hoe, that means whore?

12 A. (Witness moved head up and down.)

13 Q. Anything else that you remember?

14 A. (Witness moved head side to side.) She called me
15 a slut, and all that, few times she did that and bother me,
16 start bothering me. That's when I started going to see
17 Miss Cap.

18 Q. Do you remember being harmed by C [REDACTED] B [REDACTED]

19 A. (Witness moved head up and down.) Yes.

20 Q. Do you remember when that happened?

21 A. I don't remember the date.

22 Q. Do you remember whether it was before or after
23 Thanksgiving break?

24 A. It was before.

25 Q. Before Thanksgiving?

A000000205

1 A. (Witness moved head up and down.)

2 Q. You do not know an exact day?

3 A. No.

4 Q. Did it occur in school or outside of the school?

5 A. In my classroom.

6 Q. In your classroom?

7 A. Yeah, with my science teacher, Mrs. Scully.

8 Q. You think it was in your science class with
9 Mrs. Scully?

10 A. Yes, Miss Scully, science class. He was in the
11 class with me.

12 MR. OLDS: She may not be talking about the same
13 incident you are.

14 MR. MARNEN: I realize that.

15 Q. What did C [REDACTED] B [REDACTED] do to hurt you that day?

16 A. In the classroom?

17 Q. Yes.

18 A. He would poke me with his pencil and stuff.

19 Q. Okay. This happened before Thanksgiving?

20 A. Yes.

21 Q. I'm talking about -- I don't know how to put this.
22 I am having difficulty here.

23 MR. MARNEN: How would you refer to it, Ed, open a
24 door here.

25 MR. OLDS: When C [REDACTED] molested you outside of

A000000206

1 the laundromat, what if we use the word molest; do
2 you know what that means, molest?

3 THE WITNESS: Um-hmm.

4 Q. When did C [REDACTED] molest you?

5 A. I don't know the date.

6 Q. Was it before Thanksgiving or after?

7 A. It was before Thanksgiving.

8 Q. Did that happen near the laundromat?

9 A. Um-hmm, yeah, behind the laundromat.

10 Q. Behind the laundromat. Did he molest you one time
11 or more than one time?

12 A. Once.

13 Q. Did anyone besides C [REDACTED] B [REDACTED] molest you that
14 day?

15 A. No.

16 Q. Now, before the day when C [REDACTED] molested you, did
17 B [REDACTED] C [REDACTED] call you any names in school or outside of
18 the school?

19 A. (Witness moved head side to side.)

20 Q. No?

21 A. No.

22 Q. Pardon me?

23 A. Sorry, I forgot to say -- I forget to talk.

24 Q. I'm sorry.

25 A. Sorry, I forget to say yes or no.

A000000207

1 Q. Okay. Did C [REDACTED] B [REDACTED] poke you with a pencil
2 before at any time prior to or before he molested you or was
3 it after?

4 A. It was before when I was in Miss Scully's class
5 and he kept on poking me and stuff.

6 Q. I didn't hear you, maybe the reporter did and she
7 can read it back.

8 (Answer read.)

9 Q. When C [REDACTED] B [REDACTED] molested you, was anyone else
10 there to see it?

11 A. No.

12 Q. Maybe what we ought to do is you can tell me --
13 first tell me what time of day that happened.

14 A. It was at night.

15 Q. Nighttime, was it dark out?

16 A. Yeah.

17 Q. Had you been in school that day?

18 A. Yes, I was in school that day.

19 Q. Were you there all day?

20 A. For the whole school day?

21 Q. Yes.

22 A. Yes.

23 Q. Were you in class that day?

24 A. I was supposed to be, but I didn't want to go to
25 P.A.S.S. because Charles was in the P.A.S.S.

A000000208

1 Q. And why did that make you not want to go to
2 P.A.S.S.?

3 A. Because I know he probably wouldn't stop bothering
4 me because all my class periods he would keep on bothering
5 me and I didn't feel like being bothered.

6 Q. C [REDACTED] had been bothering you before that day?

7 A. (Witness moved head up and down.)

8 (Brief recess.)

9 Q. K [REDACTED], you did not want to go to P.A.S.S. that
10 day because C [REDACTED] B [REDACTED] had been bothering you before that
11 day, right?

12 A. Yes.

13 Q. That was before Thanksgiving, right?

14 A. Um-hmm.

15 Q. Had B [REDACTED] C [REDACTED] ever bothered you before that?

16 A. Just the name calling.

17 Q. Just name calling. Did we cover all the names,
18 bitch and whore and slut -- yes?

19 A. Yes.

20 Q. Remember that rule. Did B [REDACTED] C [REDACTED], before
21 the day you missed P.A.S.S. -- can we call that skipped
22 P.A.S.S.?

23 A. Yeah.

24 Q. The day you skipped P.A.S.S. B [REDACTED] C [REDACTED] called
25 you names. Did she ever touch you?

A000000209

1 A. Not until the laundromat when she hit me with her
2 visor.

3 Q. The laundromat is the first time she ever hit you?

4 A. Yes.

5 Q. When she hit you on that day, was it in the
6 laundromat?

7 A. Yes.

8 Q. I understand you get out of school at 3:00 those
9 days; is that right?

10 A. Yeah.

11 Q. The day you were hurt by C [REDACTED] you were
12 molested by C [REDACTED] you got out at 3:00?

13 A. I didn't -- yeah.

14 Q. You skipped P.A.S.S., you were supposed to go but
15 you skipped?

16 A. Yes, I skipped P.A.S.S.

17 Q. Where did you go from school; did you go home or
18 someplace else?

19 A. I went to my friend C [REDACTED] house.

20 Q. C [REDACTED] what's C [REDACTED] last name?

21 A. I can't remember -- do you remember?

22 MR. MARNEN: Anybody know C [REDACTED] last name?

23 MS. POLANCY: A [REDACTED] (phonetic).

24 MR. MARNEN: That answer was provided by R [REDACTED]

25 P [REDACTED]

A000000210

1 Q. K[REDACTED], on that day where did you live; what was
2 your house address?

3 A. [REDACTED]

4 Q. Same as it is right now?

5 A. Yes.

6 Q. [REDACTED]

7 A. [REDACTED]

8 Q. [REDACTED]

9 A. Yes, that's correct.

10 Q. That's a long way from Strong Vincent, isn't it?

11 A. Yes.

12 Q. Not West 9th, but East 9th?

13 A. Yes.

14 Q. Did you walk to school or take the bus?

15 A. My mom drove us.

16 Q. Okay. The other alternative. Where did Casie
17 live?

18 A. Casie lived right by -- right -- you go down here
19 at the corner, you go up there, her house is, I think the
20 second house.

21 Q. Couple blocks from Strong Vincent?

22 A. Like one or two.

23 Q. Did your mom know you were going to [REDACTED] house
24 after school that day?

25 A. No.

A000000211

1 Q. She did not. Did she think you were going to
2 P.A.S.S.?

3 A. Yes.

4 Q. Did you tell her mom you went to [REDACTED] house
5 that day?

6 A. Unh-unh.

7 Q. Okay. What was the plan with your mom, was she
8 going to pick you up after P.A.S.S.?

9 A. Yes.

10 Q. Where were you going to meet?

11 A. In front of the school.

12 Q. On West 8th Street right in front of the school
13 where the flag pole is?

14 A. (Witness moved head up and down.)

15 Q. Front door?

16 A. Front door, yes, yes.

17 Q. Is there a flag pole there?

18 A. I don't know.

19 Q. I said that, but I wondered if there was one too.
20 I went there a long time ago. Did you go to C [REDACTED] house
21 with anybody besides C [REDACTED]?

22 A. I just went to C [REDACTED] house by myself.

23 Q. You didn't walk with C [REDACTED]

24 A. No. C [REDACTED] was already at her house.

25 Q. But I thought you left school at 3:00?

A000000212

1 A. I left school at 3:00; 'cuz I left out the front
2 door.

3 Q. Okay.

4 A. And then I went over to C [REDACTED] house. I told her
5 I don't want to go P.A.S.S. And she's like, okay, you can
6 stay here until P.A.S.S. is done. Then I went for a walk,
7 and then that's when everything started happening.

8 Q. When you went for a walk, did you take a walk
9 alone or with C [REDACTED]

10 A. Alone.

11 Q. C [REDACTED] only lived a block or two from the
12 laundromat?

13 A. Yeah, right up the street.

14 Q. Do you know the name of the street that is next to
15 the laundromat? It is West 8th Street and another street,
16 do you know the name? I can tell you, but I wondered if you
17 know.

18 A. No.

19 Q. Washington Street, do you know that name?

20 A. No. I just know she just lived right up the
21 street.

22 Q. Do you know the laundromat is on West 8th Street?

23 A. Yeah, right next to the school.

24 Q. Right across the street, right?

25 A. (Witness moved head up and down.)

A000000213

1 Q. And the street it is just across from is
2 Washington Street, do you know that?

3 A. No.

4 Q. Okay. Will you take my word for it, it's the
5 street that runs beside the school, not in front of it?

6 A. Like right there (indicating).

7 Q. Yeah, right there at the laundromat you have West
8 8th Street. The school faces West 8th Street, correct?

9 A. (Witness moved head up and down.) Yes.

10 Q. And then the laundromat is down the street. I can
11 tell you it's at the corner of West 8th and Washington.

12 A. Yes.

13 Q. It's at the corner, isn't it?

14 A. Yes.

15 Q. So you went from C [REDACTED] to take a walk by
16 yourself, right?

17 A. Yes.

18 Q. What time of day was it?

19 A. I don't know, it was dark.

20 Q. It was dark. Was it time for mom to come and pick
21 you up yet?

22 A. I don't know.

23 Q. Did you wear a watch then?

24 A. Unh-unh.

25 Q. How did you figure out what time it was?

A000000214

1 A. I didn't.

2 Q. Where did you walk to?

3 A. I had just started to walk around her block, then
4 walking up and down in front of the school. And then I went
5 inside the laundromat and the lady that was working there me
6 and my mom pretty much knew her.

7 Q. Do you know her name?

8 A. I can't remember.

9 Q. Anyway, you saw her?

10 A. Yeah. I saw her and started talking to her, and I
11 stayed in the laundromat. Then I was getting ready to leave
12 and then everyone was outside.

13 Q. As you left the laundromat?

14 A. Yeah. Then I went back in and I hid in the
15 bathroom. I came out and I got hit in the head with the
16 visor.

17 Q. With what?

18 A. With a visor.

19 Q. What is a visor?

20 A. It's --

21 Q. The hat with the bill on it?

22 A. Yeah, just that goes around the back.

23 Q. She hit you in the head with her visor?

24 A. Yes.

25 Q. Can I back up a little bit and go through this a

A000000215

1 little more slowly?

2 A. Yes.

3 Q. You were in the laundromat with the laundromat
4 lady, right?

5 A. (Witness moved head up and down.)

6 Q. Yes?

7 A. Yes.

8 Q. You knew her, but you don't know her name now?

9 A. I can't remember her name.

10 Q. That's okay. And she was a grown-up?

11 A. Yeah.

12 Q. And you talked with her for a while?

13 A. Yeah.

14 Q. And you were going to walk outside, and you
15 started to walk outside and you saw some kids outside.

16 A. They were like not exactly in front of the
17 laundromat, they were -- it was about time that everyone got
18 out of P.A.S.S. because I knew my mom was going to be there
19 around that time, so that's when I walked out of the
20 laundromat I was going to go over and wait for my mom, then
21 that's when everything happened.

22 Q. How did you know that everybody was out of
23 P.A.S.S. then, because you saw them?

24 A. There was a clock in the laundromat.

25 Q. So would this be about 6:30 at night?